

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

JAMES DONALD NYE,

Plaintiff,

v.

TIM RILEY, *et al.*,

Defendants.

Civil Action Number
4:16-cv-00806-AKK-HGD

ORDER

James Donald Nye filed this lawsuit alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Doc. 1. The magistrate judge filed a report on March 29, 2017, recommending that Nye's complaint be dismissed in part, pursuant to 28 U.S.C. § 1915A(b)(1). Doc. 2 at 24. The court advised the parties of their right to file specific written objections within fourteen days. *Id.* at 25. Nye did not submit any objections within the prescribed time period.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court is of the opinion that the magistrate judge's report is due to be **ADOPTED**, and his recommendations **ACCEPTED**. Accordingly, the claims against Judge Tim Riley and Suzie McCoy, and the claims against Markita Shaw and Romona Rodgers in their official capacities, are **DISMISSED WITHOUT PREJUDICE**. This action

is **REFERRED** to the magistrate judge for further proceedings as to Nye's First Amendment claims against Shaw and Rogers regarding the opening and copying of Nye's legal mail, and Nye's Eighth Amendment claim against Shaw for her refusal to have Nye's prescriptions filled.

DONE the 20th day of April, 2017.

A handwritten signature in black ink, appearing to read "Abdul Kallon", is written over a horizontal line.

ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE